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22 July 1999

ORIGINAL: ENGLISH

# LETTER DATED 22 JULY 1999 FROM THE PERMANENT REPRESENTATIVE OF GEORGIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the text of the Basic Principles for Determining the Political Status of Abkhazia within the New State Constitution of Georgia, proposed by the Government of Georgia (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Peter CHKHEIDZE
Ambassador
Permanent Representative

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## Annex

[Original: Russian]

### Basic principles for determining the status of Abkhazia within the new State structure of Georgia

It is now almost six years since the end of the fratricidal armed conflict in Abkhazia, one of the regions of Georgia.

The settlement of the conflict in Abkhazia, Georgia, is one of the most significant problems, both from the political and from the humanitarian standpoint.

The failure to settle the conflict has caused a human tragedy for over 300,000 peaceful civilians, mostly Georgians, who have been forced to flee the region. It has left a bloody wound and created a source of tension within Georgia and beyond its borders.

We reiterate that the solution to this highly complex problem can be achieved only if every opportunity for political, socio-economic and cultural development is afforded to Abkhazia, with the Georgian State as guarantor.

In defining the status of Abkhazia, Georgia proceeds from the following basic principles:

(a) The inviolability of the territorial integrity of Georgia within the internationally recognized borders existing as at 21 December 1991;

(b) The inviolability of the territorial integrity of Abkhazia within the borders of the former Abkhaz Autonomous Republic as part of the Georgian Soviet Socialist Republic as at 21 December 1992;

(c) Recognition of Abkhazia's right to exercise its competence within the federation as a component of the federal State of Georgia;

(d) Institutional incorporation - in the Constitution of the Republic of Abkhazia and in the Constitution of Georgia - of the right of the Abkhaz people to develop their culture and long-standing traditions, and to integrate historical elements into the political and social life of the people, with full respect and guarantees for the human rights and freedoms of the entire multi-ethnic population of Abkhazia, and with the guarantee of active participation by its representatives in the work of the federal organs of power.

On the basis of the foregoing considerations on the status of Abkhazia, the following principles are proposed:

1. Abkhazia is one of the components of a federation established in Georgia, and enjoys the supreme status of a territorial and State entity.

2. The Republic of Abkhazia shall independently exercise legislative, executive and judicial powers in areas defined by the Constitution of the federal State (Georgia), by the Constitution of the Republic of Abkhazia and by

the agreement delimiting the domains of competence between the organs of power of the federal State and the organs of power of the Republic of Abkhazia. The agreement shall be in the form of a constitutional Statute and shall have supreme juridical force after the Constitution of the federal State.

3. The Republic of Abkhazia shall enjoy the following sovereign rights:

(a) It shall adopt and amend the Constitution of the Republic of Abkhazia provided that this does not contravene the principles and norms of the Constitution of the federal State and the aforementioned statutory agreement;

(b) It shall define the structure and organization of the legislative organ of the Republic of Abkhazia;

(c) It shall determine the Republic's form of government, the structure of the State and the modalities of their creation;

(d) It shall establish the Republic's judicial system - ordinary courts, supreme court, constitutional court and office of the procurator - provided that the Federation's Supreme Court, Constitutional Court and Office of the Procurator remain supreme.

(e) It shall determine the State symbols of the Republic of Abkhazia;

(f) It shall determine the size of the Republic's budget, as well as revenue and expenditure;

(g) It shall engage in foreign relations and shall participate in international and regional organs and organizations;

(h) It shall manage the State property of the Republic;

(i) It shall settle questions of nationality of the Republic;

(j) It shall settle questions relating to social policy, education, science, culture, physical education, sports and tourism;

(k) It shall establish, and determine the modalities for establishing, the Republic's police agencies and for internal affairs agencies at various levels to ensure law and order;

(l) Within the Republic, it shall be responsible for telecommunications, radio, television and transport;

(m) It shall take measures to protect the environment.

4. The federal State shall enjoy the following sovereign rights:

(a) It shall adopt and amend the federal Constitution;

(b) It shall enact legislation and enforce laws and other legislative instruments of the federal State;

(c) It shall establish the supreme organs of the federal State - legislative, executive and judicial - and shall establish the modalities for their organization and activities;

(d) It shall be responsible for the structure of the federal State;

(e) It shall determine the status and regime of national borders and shall be responsible for protecting them; it shall also determine the status of and provide protection for territorial waters, airspace, the continental shelf and the exclusive economic zone;

(f) It shall enact legislation to protect human rights and fundamental freedoms. It shall monitor implementation of internal legislation and international legal obligations;

(g) It shall enact legislation regarding nationality of the federal State, and determine the conditions for the acquisition or loss of nationality, travel to and from the federal State, and the status of foreigners and stateless persons;

(h) It shall be responsible for the federal budget, the monetary and financial system, the issue of currency, federal banks, customs, customs duties and other duties;

(i) It shall be responsible for defence, the armed forces and the security of the federal State.

The unified armed forces of the federal State may be of a territorial nature in the territory of Abkhazia. Conscripts may serve in the territory of the Republic.

The unified frontier guards of the federal State may be established on a territorial basis like the armed forces, provided they are under the strict supervision and control of the federal authorities;

(j) The federal State shall be responsible for foreign policy and international relations, diplomatic and consular services, international agreements, and membership in inter-State and international organs and organizations;

(k) It shall be responsible for transregional and international telecommunications, national radio and television, and postal services;

(l) It shall regulate the transit of oil and gas pipelines;

(m) It shall enact legislation to protect and monitor the environment;

(n) It shall enact criminal, civil and procedural laws, and legislation regarding the earth, the subsoil and natural resources.

5. The constitutional Statute (agreement) formalizing these arrangements are not subject to unilateral modification or revocation in whole or in part.

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(Signed) Peter CHKHEIDZE
Ambassador
Permanent Representative

* Reissued for technical reasons.

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Annex

[Original: Russian]

## Basic principles for determining the status of Abkhazia within the new State structure of Georgia

The settlement of the conflict in Abkhazia, Georgia, is one of the most significant problems, both from the political and from the humanitarian standpoint.

The failure to settle the conflict has caused a human tragedy for over 300,000 peaceful civilians, mostly Georgians, who have been forced to flee the region. It has left a bloody wound and created a source of tension within Georgia and beyond its borders.

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# LETTER DATED 22 JULY 1999 FROM THE PERMANENT REPRESENTATIVE OF GEORGIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the text of the address of the President of Georgia to the participants and organizers of the International Conference-Seminar on the Policy of Genocide and Ethnic Cleansing in Abkhazia, Georgia: the Principal Weapon of Aggressive Separatism (annex I), together with the texts of the appeal of the participants in the Conference to the Security Council and the world community, the statement by the Prosecutor General of Georgia and statements by some eyewitnesses of the tragedy in Abkhazia, Georgia (annexes II-IV).

I should be grateful if you would have the present letter and its annexes circulated as a document of the Security Council.

(Signed) Peter CHKHEIDZE
Ambassador
Permanent Representative

Annex I

Statement made on 6 July 1999 by the President of Georgia to the participants and organizers of the International Conference-Seminar on the Policy of Genocide and Ethnic Cleansing in Abkhazia, Georgia: the Principal Weapon of Aggressive Separatism

I want to express my sincere appreciation to the participants and organisers of this event, whose aim is to review and acquaint the general public with the investigation materials on the facts of genocide committed against the Georgian population in Abkhazia.

These facts are of course well known to me, and I have even been an eye-witness to many of them. What the Abkhaz separatists perpetrated against the Georgian people with the unconcealed help of outside forces must be categorised as a crime against humanity, genocide and vandalism.

These facts can be rightfully equated with the crimes committed historically by fascist regimes.

To remember and relive past tragedy is agonising, yet it is our moral obligation to do so, thereby honouring the memory of the tens of thousands people who were killed. To remember is to remind ourselves of the hundreds of thousands who remain internally displaced or refugees. They have lost their homes, suffered profound humiliation, and had their right to a peaceful life in their native land utterly trampled.

For seven years we have been trying to persuade the world that to allow such conduct to go unpunished would permit the emergence of new hotbeds of conflict, war and bloodshed.

Despite the goodwill of many political and public figures and earnest support from friendly countries, all of our efforts to peacefully resolve the Abkhaz problem remain ineffectual.

Most troubling, there are those who still attempt to distort the truth by presenting the victims as though they were the criminals. Regrettably, even some our own countrymen engage in this disturbing behaviour.

It is fortunate that the international community is becoming increasingly intolerant of aggressive separatism and other such crimes.

I am confident that the tragedy of Abkhazia will soon be given its due assessment, and that the international community will take the necessary measures to allow those whose lives have been so horribly interrupted to return to their homes and resume a peaceful life - measures that will assure that those who carried out the massacre in Abkhazia are duly punished.

Civilised nations cannot be indifferent when human rights are being trampled, even if the aggression is not targeted against them directly.

I know that your Conference intends to draft a formal address to the UN Security Council and the international community at large. As a citizen, I too want to add my voice to this address. Georgia still has hundreds of thousands of displaced who remain living under deplorable conditions. As President of the country, I want to assure everyone - particularly those ousted from Abkhazia in the first place - that this government will continue to vigorously seek a political means for a peaceful settlement while there remains even the slightest hope for it, without further bloodshed and tragedy. If this hope is exhausted, however, we will seek another way to restore Georgia's territorial integrity and allow every refugee to return home.

This does not mean discontinuing the peaceful dialogue. It does mean that the organisers of ethnic cleansing and genocide of Georgians must realise that the heinous crime they have committed, and their culpability, has been recognized by the civilised world.

The separatist regime must quell its political ambitions and agree to a realistic compromise in order to achieve peaceful conclusion to the problem, for the benefit of all both the Georgian and the Abkhaz sides.

Eduard SHEVARDNADZE

Annex II

Appeal issued on 6 July 1999 by the participants in the International Conference on the Policy of Genocide and Ethnic Cleansing in Abkhazia, Georgia: the Principal Weapon of Aggressive Separatism to the Security Council and the world community

Seven years have passed since hundreds of thousands of innocent, peaceful civilians fell victim to the tragic events in Abkhazia, one of the ancient historical regions of Georgia.

With the support and participation of anti-democratic, reactionary political and military forces of Russia, Abkhazian separatists carried out aggressive acts against the statehood and territorial integrity of Georgia, which resulted in the violation of the integrity of the country, the occupation of Abkhazia - an integral part of Georgia, the formation of a criminal, separatist regime and the ethnic cleansing of Georgians.

Tens of thousands of peaceful residents were shot, burned alive, tortured and crippled because of their ethnic origins. Many of them are still missing. More than 20 thousand houses belonging to Georgians were destroyed. Georgian schools, libraries, kindergartens, cultural centres, churches, and architectural and historical monuments were burned and looted. It is forbidden to teach in Georgian. Eighty percent of the aboriginal population of Abkhazia was driven away from the areas where these people have traditionally lived.

Not only Georgians, but also Greeks, Jews, Russians, Ukrainians, Estonians, Armenians and even Abkhazians, who lived in Abkhazia, fell victim to the terror and the apartheid regime practised by the separatists. Some of them died in the war, and many others, who feared the separatists, had to leave their homes and find refuge in different towns and regions of Georgia, as well as in foreign countries.

The documents, photographs and audio-visual materials at our disposal, as well as the evidence of eyewitnesses, prove that Abkhazian separatists forced more than 250 thousand aboriginal Georgians to leave their homeland. This action has forcibly changed the demographic situation in the region by the use of inhumane and barbarous methods such as mass killings, the burial of people alive, the throwing of people into wells and the group raping of under-age children.

The Parliamentary Assembly of the European Union, the OSCE and a number of CIS summits have condemned the policy of ethnic cleansing with respect to the Georgian population. The international community is well aware of this.

In its numerous resolutions, the UN Security Council has confirmed as destructive the position of the Abkhazian side in negotiations, especially their negative approach to the creation of security mechanisms for the peaceful return of refugees and forcibly displaced persons to their native land. In this regard the Council has reminded the world about the Lisbon decisions and has demanded a speedy solution to the problem.

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The protection of human rights is becoming an indispensable attribute and an obligation for a country on the path of civilised and democratic development. The process is in need of support from the entire world. The conference points out that the internationally recognised concept - "every man has the right to have a free and worthy life" – frequently does not go further than a declaration. The fate of more than 300 thousand people who fled from Abkhazia is a clear example of this. They have been suffering for six years, waiting for the restoration of an elementary human right - the right to return to one's home and live there. Fifteen resolutions of the UN Security Council, the minutes of the OSCE Budapest and Lisbon summits, and also the Moscow, Minsk and Chişinău CIS summits have stressed that the separatist regime in Abkhazia perpetrated the ethnic cleansing of Georgians. However, the lenient and compliant approach of international organisations has resulted in the mass violation of human rights in Abkhazia. These violations are still continuing.

Today, the Conference has uncovered numerous facts about the ethnic cleansing of Georgians carried out by the separatists in Abkhazia. The 17 December 1992 resolution of the UN Security Council recognises such facts as a form of genocide.

The events in Kosovo have shown the world the possible effects of delayed reaction to the policy of ethnic cleansing on the lives of hundreds of thousands of ethnically different people. In such cases this procrastination causes further bloodshed and adds to the number of victims.

The international community has passed a verdict on the offences against humanity in Abkhazia. It is necessary to assess the events according to the standards of international law.

We appeal to the international community on behalf of hundreds of thousands of people displaced from Abkhazia - children, women, the aged, invalids, the homeless and those unjustly condemned, all of whom are suffering and dying - to take decisive measures to settle the conflict in Abkhazia within a short period of time.

We request that the UN Secretary General Mr. Kofi Annan takes more energetic and effective measures aimed at settling the conflict in Abkhazia and establishing peace and stability there.

Taking into consideration the fact that all political means of settling the conflict have been exhausted, we believe that it is now necessary to replace the present peace operation with an initiative aimed at forcing peace. This issue should be unambiguously raised at the Security Council.

The Conference believes that it is necessary to create a special commission to consider materials at the disposal of related bodies pertaining to the ethnic cleansing and genocide of Georgians in Abkhazia, and to transfer these materials to the International Court.

We appeal to the UN Security Council to take decisive steps in this direction and take measures similar to those used in the territory of former Yugoslavia and in Rwanda in order to identify violations of humanitarian norms and use the provisions of international law against the offenders.

Any person practising ethnic cleansing in its extreme form of genocide should know that he will have to face an international court and answer for his barbaric acts against humanity.

Annex III

Statement by the Prosecutor General of Georgia

Nearly six years have passed since the tragedy in Abkhazia. We have gained many new insights since then, which have led to a better comprehension and appreciation of the situation. We can now see the gross mistakes that have been made, the heroic and unequal struggle of the Georgian population against prevailing hordes of mercenaries, and the totally unjustified and undeserved loathing of Georgians as an ethnic group. What has also become evident is the treachery and hostility of some of the neighbouring countries due to the accumulated malice of years. Most importantly we can see these countries' refusal to accept either Georgia's independence or the unremitting struggle of the Georgian people for freedom and self-determination.

The Georgians who were forced to flee form Abkhazia have deep confidence that they will eventually return to their homes and, together with Abkhazians, heal the serious wounds of the past. They believe that through a difficult and painful process of reconciliation they will restore their old good-neighbourly relationship, which was destroyed by the ignorant Abkhazian separatists. The latter, inspired by Russian imperialist forces, led these two fraternal and blood-related people to oppose each other.

A part of the progressively-minded Abkhazian population, unable to endure the Ardzinba regime, left their motherland. They now live in other countries with the status of refugees. Together with Abkhazians these include Russians, Greeks, Armenians and others, not to mention Georgians who survived the war and had to leave the land of their forefathers in fear of their lives.

Abkhazia, once one of the most beautiful regions of Georgia, has now become an arena for criminal gangs and foreign militiamen who came to Abkhazia to plunder it. They are fighting against and killing each other in order to gain power and influence. The economy has been destroyed and the transport system disrupted; the activity of health resorts has come to a standstill as their infrastructure has been severely damaged. Most people are unemployed, starving and secretly expressing their protest against the dictatorship of Ardzinba and the people around him.

Since the tragedy in Abkhazia, the Government of Georgia and the legitimate Abkhazian authorities in exile have not ceased their struggle for the return of refugees to their homes and the restoration of the violated territorial integrity of Georgia. The UN has produced numerous serious and important documents recognising the territorial integrity of Georgia and hinting at the ethnic cleansing carried out against Georgians in Abkhazia. Many of the

world's leading countries - the USA, Germany, Great Britain, France, Russia and others, - recognise unreservedly the sovereignty and territorial integrity of Georgia.

In spite of this, the tragic situation of the Georgian population of Abkhazia is in need of legal assessment according to the dictates of international law which are common to the entire civilised world, and which regulate relations between peoples.

The recent events in Yugoslavia have strengthened our belief that all instances of ethnic cleansing - a crime against humanity - must be brought to the attention of, and investigated by, the UN and the Hague International Tribunal. The offenders should be punished.

The Prosecutor General's Office of Georgia began its investigation into the acts of genocide in Abkhazia with this hope about six years ago. The well-known decree of the President of Georgia, Mr. Eduard Shevardnadze "On the Creation of the State Commission for the Investigation of the Facts of Genocide and Ethnic Cleansing of the Georgian Population in the Region of Abkhazia and the Preparation of Materials for the International Tribunal" initiated the investigation.

More than 20 thousand eyewitnesses and victims have been identified and questioned so far, and we have collected many documents, video and photographic materials, and the opinions of experts. Years of work by dozens of investigators and operation workers have produced more than 200 large volumes. The final conclusion that has been reached is that aggressive separatism had taken root and been developing in Abkhazia for decades. Chief Communist Party and Soviet leaders of Abkhazian origin, directly connected to Russian imperialistic forces, led this plot against the state.

These people systematically distorted and falsified historical facts, made political insinuations, gave a biased interpretation of events and invented legends about Georgians conquering the territory of Abkhazia, oppressing the Abkhazian people and trying to exterminate them.

Armed struggle, using fascist methods for the implementation of "the right of self-determination", the forcible violation of the territorial integrity of the country and the alteration of its demography with the help of the extermination and expulsion of ethnic groups became state policy.

In order to change the political orientation of neighbouring and friendly countries, Georgia was represented as an enemy. There were assertions that Abkhazia was part of Russia and that the entire wealth of the region - the infrastructure of the former Soviet health resorts, the natural resources, sites of strategic importance and much more were all said to belong to Russia. This was done to please certain forces there.

Muslims in the North Caucasus and abroad were told over and over again that the Caucasus was united and indivisible and that Georgians were trying to exterminate Abkhazians who were in need of help.

The propaganda machine of the extremists, and of the intelligence services that supported them, began to bring its weight to bear. The movement for the salvation of the "oppressed" Abkhazians was becoming stronger and stronger. Money was collected to purchase arms and to hire killers in foreign countries and send them to Georgia, and also to fund the information war by hiring media personnel, commissioning TV programmes, etc.

In their speeches at the 23 August 1990 session of the Supreme Soviet of the Autonomous Republic, the Chairman of the Presidium V. Kobakhia, Soviet member D. Ajinjal and others tried to falsify historical facts. They said Abkhazia was not linked to Georgia at all, stimulating a new wave of hatred and gravely damaging traditionally fraternal relations between Georgians and Abkhazians.

The nationalistic political organisation named Aydgylara was a key factor in the activities of separatists. The principal aim of this organisation was the falsification of the history of Georgian-Abkhazian relations.

The investigation has shown that Aydgylara and other political organisations systematically and purposefully disseminated different statements, appeals and so-called "scientific research papers" for the purpose of violating the territorial integrity of the Georgian state. Such "works" continue to appear zealously in publications like "Abkhazia - Chronicles of an Undeclared War", "The White Book of Abkhazia", "The Tragedy of Abkhazia" and others.

On 25 August 1990, in violation of the Constitutions of the Republic of Georgia and the Abkhazian Autonomous Republic, the Supreme Soviet of the Abkhazian Autonomous Republic adopted a declaration "On the State Sovereignty of the Abkhazian Soviet Socialist Republic", in fact declaring unilaterally Abkhazia's secession from Georgia. The adoption of this so-called declaration institutionalised an ethnic Abkhazian majority in the Supreme Soviet of Abkhazia.

Separatists used force and blackmail to introduce, on 27 August 1991, changes and amendments to the law "On the Election of Members of the Supreme Soviet", institutionalising apartheid de jure in Abkhazia. According to the "law", only Abkhazians could be elected in 28 electoral districts and Georgians in 26 districts, others being left for representatives of other ethnic groups. This apartheid law enabled Abkhazians to have a majority in the Supreme Council and violate elementary civil rights of the Georgians who constituted the majority of the population of Abkhazia.

On 23 July 1992, contrary to the will of the Georgian members of the Supreme Council, Abkhazians cancelled the 1978 Constitution of Abkhazia with a simple majority of votes

and "restored" the so-called 1925 Constitution of the Abkhazian Soviet Socialist Republic, which, as specialists agree, has never worked.

In order to change the demographic situation by "peaceful means" and to achieve an automatic increase in the percentage of the Abkhazian population, the current leadership of the Autonomous Republic adopted numerous discriminative resolutions such as "On the Restriction of Registration of Citizens in Abkhazia", "On the Changes of Names and Nationality" and others. These resolutions effectively forbade non-Abkhazians to live in the region. The restrictions did not apply to the citizens from distant countries who could be regarded as Abkhazians without any identity cards. Their permanent registration was done secretly and without any complications.

More than a hundred citizens from Syria, Jordan and other countries were allowed to live permanently in Sukhumi, Ochamchire and other districts from March 1992.

The practice of illegal registration continued and became especially intensive after the conflict broke out. Separatists rewarded foreign militiamen, allowing them to live in and rob Abkhazia. It is possible to say that state protection of an institutionalised militia was first implemented in Abkhazia.

The investigation has also found that a wide network of volunteer stations was set up in Moscow, St.-Petersburg, Krasnodar, Stavropol and other regions of Russia, as well as in Chechnya and some other republics of the North Caucasus. A continuous stream of hired killers who had fought in Afghanistan came to Abkhazia.

Russian intelligence services and the so-called leader of the Confederation of Mountainous Peoples, Musa Shanibov, played an especial role in organising and financing the hired killers.

Shamil Basayev showed his worth through the torture and killing of peaceful residents, helpless women, old people and children in the territory of Abkhazia.

It has been proven that so-called volunteers made up 60% of the armed gangs of separatists participating in the Abkhazian conflict. It is with their help that separatists managed to expel the Georgian population from Abkhazia.

Separatists actively prepared for the war through the purchase of arms and military equipment. In this they were greatly assisted by the corrupt leadership of the Russian troops located in Abkhazia, who sold them arms and ammunition from their arsenals.

In such conditions, the supporters of the ex-president Zviad Gamsakhurdia in Western Georgia and Abkhazia allied themselves with Abkhazian separatists. They carried out subversive acts together, exploding railway lines, bridges, etc

Air, road and railway communications in Abkhazia were completely disrupted for the first six months of 1992. Georgia and its neighbours, especially Armenia, found themselves under the conditions of an economic blockade.

Bandits plundered 1923 carriages of goods worth 11 billion Russian roubles (at the exchange rate of that period). About 1142 subversive explosions were registered during the first six months of 1992.

In order to stop gangsters, ensure secure railway communications and restore law and order, the Georgian authorities introduced special rules pertaining to railways on 10 August 1992. The armed forces of the Internal Affairs and Defence ministries and the paramilitary units of railway protection were ordered to implement these rules. At the same time, the State Council categorically ordered the heads of these bodies not to concentrate armed forces and military equipment in towns and settlements, including the Abkhazian territory.

Thus, contrary to the assertion of separatist leaders and their supporters, the Government of Georgia planned no military action on the territory of Abkhazia. This means that, unlike Abkhazia's conduct, Georgia's cannot be described as "aggression and occupation", as this would belie the facts.

On the contrary, the leadership of the Georgian Defence Ministry was ordered to co-ordinate plans, with the leadership of the Autonomous Republic, for the movement and activities of the armed forces. Later it turned out that the directive of the Georgian Head of State, Eduard Shevardnadze, was not fulfilled and this fact was used to provoke the Abkhazian population.

On 14 August 1992, separatists opened fire on the Georgian armed forces moving in Abkhazian territory. Policemen were killed and wounded. Amongst the evidence at the disposal of the investigation are video materials, which prove the facts. This was the first act in the implementation of the plan aimed at the genocide and ethnic cleansing of Georgians and other ethnic groups living in Abkhazia.

Georgians were expelled from their homes purposefully. Those who survived were forced to write testimonies, which said they were leaving their homes, land and property to the Abkhazians voluntarily. Documents in the possession the investigation, as well as documents of international commissions prove this.

It has turned out that the policy of genocide in Abkhazia was carried out systematically - from 14 August to 2 October 1992 in Gudauta District, from 2 October 1992 to 15 September 1993 in Gagra and since 16 September 1993 in Sukhumi, Ochamchire and Gali districts and the town of Tkvarcheli.

The deliberate genocide of the Georgian population was first manifest in the mass killing of inteilectuals, physicians, teachers, journalists, writers and artists.

On 27 September 1993, the Chairman of the Council of Ministers of the Autonomous Republic of Abkhazia, later recognised as a National Hero of Georgia, Zhiuli Shartava, was tortured and killed in Sukhumi along with other members of the Government including the Mayor of Sukhumi, G. Gabeskiria, Chief of Police Rapava, the Deputy Head of Gagra administration, Mikheil Jincharadze, and others. More than a hundred artists, including women, were also killed. The head of Gumista House of Culture, 37-year-old Nato Milorava, actors Vasil Chkheidze, Teimuraz Zhvania, Guram Gelovani, the director of the Sukhumi park, Yuri Davitaya and others were also tortured and killed.

Separatists killed more than thirty medical workers, most of them women. Physicians Zelimkhan Danelia, Gia Sichinava, Razmik Ispekchyan, Giorgi Barkalaya, Shalva Gvazava and others were killed at work. The head of the Gulripshi Tuberculosis Centre, Shota Jgamadze, was killed in the yard of the hospital in the presence of his relatives. The same thing happened to a physician of the Republican Hospital, Petre Sichinava.

Separatists and their foreign supporters killed more than 200 teachers, including more than 60 women: Venera Sigua, Iulia Gogokhia-Sichinava, Tsatsa Dzandzava, Eka Pilpani, Lia Akubardia, Dzahuli Pachulia, Gulnara Chaladze and others.

Head of the Gulripshi collective farm, Mamuli Apkhazava, the employee of the Ministry of Finance, Tristan Gabelia, the Head of the Building Department, Leonti Jalagonia, the Chief Assistant of the Prosecutor of Abkhazia, Vladimer Kalichava, investigator Emzar Lashkhia, Head of the chair at the Subtropical Institute, Yuri Narakidze, a senior lecturer of the same Institute, Karlo Chkhenkeli, the Chief Architect of Sukhumi, Tamaz Tavadze and others were killed because they were Georgians.

Separatists and their supporters planned either to exterminate the Georgian ethnic group in Abkhazia, or evict it.

On the very first days of the conflict, five thousand Georgians were expelled from Eshera, Lykhny, Aradu and Akhalsopeli. Others were dealt with cruelly. Seventeen people were killed in Akhalsopeli. The heart of 70-year-old Indiko Grdzelidze was publicly cut out. Elguja Maisuradze was killed with an axe in public and 65-year old Nikoloz Kvabzinadze was tied to a tractor, dragged along the ground and killed.

After the fall of Gagra separatists began the mass plundering and killing of the peaceful population. Eyewitnesses say that about fifty Georgians were tortured and than hanged on electric pylons in Leselidze. The population of Gagra, Salkhino, Gantiadi, Pitsunda, Lidzava, Alakhadzy and Bzyp was dealt with especially cruelly. Separatists killed everyone - old people, women, helpless children. Many people were shot and killed publicly, among them Alexander Kometiani, Jemal Kuchukhidze, Nodar Charkviani, Sasha Bobokhidze, Shalva Gvazava and others.

Omar Bzhalava was killed in the presence of his family. Boris Kutsia was killed in the presence of his wife. Vladimer Benidze was killed in the presence of his daughter; and Gia Glonti was killed in the presence of his father. Sixty-five-year-old teacher Vasil Samkharadze was captured in the street and beheaded publicly. His relatives were not allowed to bury him and dogs and pigs defiled the dead body. Separatists first cut off Giorgi Pipia's ears, then his nose, and only afterwards did they kill him.

The eyewitness Kharaishvili gave evidence that whilst torturing Georgians and plundering and destroying their property, separatists declared publicly and loudly that they were going to kill all of the Georgians in Gagra and Leselidze and burn Georgian books, cultural monuments and houses. Anyone who dared to help Georgians had to fear death.

Tina Barkalaya said her cousin, Tsezar Kvelidze, was killed in her presence. They first cut off his nose, then his ears and a leg below the knee before finally killing him. Seventy-year-old Andro Simonishvili was also tortured and killed.

Shota Mgeladze was forced to stand naked in water all night. One of the Chechens present cut his left hand, filled a glass with his blood and invited the victim to drink it. When Mgeladze refused the Chechen apologised cynically and said, "Don't be cross, brother. I would like to drink not only your blood, but the blood of all of the Georgians", and drank it. He also threatened that any Georgians who did not leave Abkhazia would be killed.

Abkhazian and Chechen militiamen broke into the house of the Head of the Health Resorts Department of Gagra, Alexander Baramia. They first raped Baramia's daughter Tsisia and then beheaded her. Baramia's wife was tortured and killed. They finally shot and killed Alexander Baramia himself, as well as Shalva Gvazava and Boris Kutsia, who were visiting him.

Nazi Bagishvili, a resident of Ochamchire, gave the following statement: "Our village was occupied by separatists. Most of the peaceful residents, women and children, were captured. Abkhazian and Chechen militiamen raped 25 helpless girls aged from 12 to 16 in the presence of their relatives and other residents of the village. Group violence was practised on the helpless children throughout the week. Very often the violators cut off the nipples and heads of the girls after raping them. These barbarians of the 20th century made beads out of them".

On 9 August 1993, a party of Georgians was taken to Sochi airport under the threat of death. There they were given documents testifying that their homes no longer belonged to them. 250 families were deported from the village of Bzyp like this. Givi Kiknadze and his daughter Tamuna, residents of Bzyp, were killed because they refused to leave their village. Many other people were also severely punished for the same reason.

We have documents concerning the mass killing of Georgians in the Gagra stadium and other public places after the occupation of the town in October 1992.

We have revealed facts concerning the mass killing of peaceful residents in Gagra, Ochamchire, Sukhumi, Gulripshi and other districts. Konstantine Sichinava has given evidence that after the fall of Gagra, Georgians were taken out of their homes and killed in the streets.

There is further evidence of atrocities. Local resident Tamaz Japaridze said that, together with others, he was made to collect corpses of Georgians in the streets of Gagra on 7 October. Four Kamaz lorries were loaded with the bodies. He said about 250 corpses were buried in a large pit.

Nana Chaladze said that Ardzinba made a television appeal to the Abkhazian population, promising to give them money, as well as homes and land belonging to Georgians, if Abkhazians, Chechens and Cossacks captured Gagra and exterminated the Georgians there. About thirty policemen were killed in Gagra. Peaceful residents were forced to gather in the stadium, where they were shot and killed. Cossacks killed 72 peaceful residents near the village of Dzveli Kindgi. Abkhazians killed 48 people in the village of Ganakhleba (Gulripshi District). More than 400 Georgians were killed in Kurchenko Park in Sukhumi.

The witness Galina Arzumanyan told the investigation that she remembered how Abkhazians entered the village of Akhaldaba, mercilessly killing all of the children and teenagers before taking the survivors to the local stadium and killing them there in turn. Almost all of the women and children over the age of six were raped. Separatists put tyres on the heads of some of them and burned them alive. About 400 people were killed in this way, including 60 women.

A resident of Sukhumi, Lily Zoidze, said that a group of Abkhazians, Chechens, Armenians and Cossacks broke into the house of her neighbours, the Pkhakadze family. They killed the entire family, beheaded them, put the heads on poles publicly and burned them.

The investigation has shown that the 17 thousand Georgians who survived the sadistic acts of separatists in Gagra left their homes unconditionally and went elsewhere.

Separatists shelled Sukhumi and Ochamchire for months. Tens of thousands of shells fell on Sukhumi. More than 400 peaceful residents fell victim to them. Air attacks were usually carried out at night, when people slept. Residential districts were especially targeted.

According to the agreement reached on 27 July 1993, the Georgian forces withdrew their artillery and military equipment from Sukhumi and Ochamchire. Seizing this opportunity, separatists treacherously began shelling Sukhumi and Ochamchire on 16 September. Sukhumi airport, where thousands of Georgians, Russians and others were gathered awaiting planes to leave the zone, became a permanent target for attacks.

Separatists shot down several civilian aircraft, causing a great number of deaths. More than 50 women and small children were killed.

49 460 out of the 119 180 residents of Sukhumi were Georgians. Most of them were expelled from the town under pain of death.

The documents pertaining to the investigation make it clear that after the fall of Sukhumi, separatists tortured and killed more than a thousand Georgians, including women, helpless old people and little children.

I would like to mention some of the gravest crimes committed by separatists in Sukhumi In front of a pub near School #11, drunken Abkhazian and Cossack militiamen boasted, laughing loudly, about how they played football with the severed heads of Georgians.

Two residents of Sukhumi, Roin Shubladze and Guram Kvashilava, were killed in their own flat in the city. The killers then cut off flesh from their arms and legs, scattering pieces of it over the floor. Shubladze's wife dared to ask them why they were doing this and these barbarians of the 20th century answered this was the fate of all of Georgians if they did not leave Abkhazia.

The policy of genocide reached its peak in Gali District, where 97% of the 96 thousand population were Georgians. On 29 September 1993 separatists and their foreign supporters conquered Gali and began to kill the peaceful population en masse.

610 residential buildings out of 710 were destroyed and burned in the village of Okumi. 65 people, including 20 women, were tortured and killed: 90-year-old Venera Antia, 55-year-old Nelly Gergaya, 81-year-ol Vera Gunia, 67-year-old Alma Latsuzbaya and 65-year-old Natela Shelia. The young sisters, Nino and Nato Politayevas, were first publicly raped and then killed.

About 1040 houses were destroyed and 128 people, including 20 women, tortured and killed in the town of Gali.

411 houses were destroyed and burned and 70 people, including 17 women, were killed in Achigvara. 429 houses were destroyed and 55 people, including 14 women, were tortured and killed in Gudava.

Similar tragic events took place in Mziuri, Kvemo and Zemo Bargebi, Repi, Shesheleti, Otobaya, Nabakevi and elsewhere. The helpless old women Zhenya Tsurtsumia, Valentina Chargazia, Chuta Chaava, Shura Jologua, Ksenya Gangia, Iamze Kvachakhia, Roza Zantaria, Bella Malasheva, Valya Tarbaya and others were burned alive.

Terror in Gali did not end with the 1993 tragedy. Many times before the notorious events of 28 May 1998, Abkhazian separatists attacked the villages of Gali District - Repi, Gumurishi, Zemo and Kvemo Bargebi, Otobaya, Nabakevi and Lekukhona. They burned

and destroyed 3727 houses, 40 secondary schools and 95 other buildings of different kinds. They took away 25 thousand head of cattle and expensive foreign equipment from factories and plants, causing irreparable damage to the economy of the district.

More than 12 hundred peaceful citizens were killed during the above-mentioned period.

It is noteworthy that separatists also attacked villages in the 12-km security zone. The Russian peacekeeping forces did nothing to prevent the barbarous acts committed there. A number of crimes were even committed with their help. As for the representatives of international organisations stationed in the conflict zone, as usual, they merely registered facts.

On 26 May 1998, a limited contingent of the Internal Army and the Police of Georgia were introduced into the districts bordering Gali to save peaceful residents. They managed to evacuate the population peacefully from the battle zone. They did not participate in military operations, though 20 soldiers were killed and 14 injured.

According to the incomplete data at the disposal of the investigation, 5738 Georgians were killed in the territory of Abkhazia because of the policies of ethnic cleansing and genocide carried out by Abkhazian separatists. Among them: 483 people in Gagra; 238 in Sukhumi District; 1148 in Sukhumi; 1232 in Gulripshi District; 851 in Ochamchire District; 1553 in Gali District; 147 in Gudauta District and 20 in the town of Tkvarcheli. More than 70 children and 706 women fell victim to the genocide and ethnic cleansing in Abkhazia. Fifty percent of those killed were elderly people. Six hundred people are still missing.

Documents show that a total of 276 345 peaceful residents were expelled from Abkhazia. Among them are 73 178 from Sukhumi and Sukhumi District, 25 403 from Gagra, 34 587 from Gulripshi District, 85 678 from Gali District, 38 312 from Ochamchire District, 6 719 from Gudauta District and 3 468 from Tkvarcheli.

The existing documentation makes it clear that the war caused material damage of $3.12 billion. Damage of $5.18 billion was caused to the private property of citizens (excluding the housing). Losses to the national product amounted to $2.41 billion in 1993-1998, the total damage amounting to $10.7 billion.

The investigation has already identified more than twenty ringleaders and organisers of this grave crime and more than 800 executioners, all of whom have their hands deep in Georgian blood.

Taking into consideration the realities of the day, the Prosecutor's Office has already taken practical steps towards bringing certain criminals to court. The investigation of the criminal cases of Pachulia, Tsvizhba, Sadzba, Narmania and others has already been concluded. The Supreme Court of Georgia has sentenced them to many years in prison. Warrants for the arrest of 15 more people have also been issued.

Years of investigation and incontrovertible evidence have proved that what the separatists did and are still doing in Abkhazia is not just an ethnic conflict. This is a well-organised conspiracy of Abkhazian separatists and North Caucasian confederates, supported by intelligence services. The plot is aimed at the creation of a fundamentalist Islamic state in the Transcaucasus, specifically in the territory of Abkhazia. To this end it was necessary, first of all, to radically change the geopolitical situation in Abkhazia. The majority of the population of Abkhazia, namely Georgians, would be partly exterminated. Dreadful and cruel methods of physical deterrent, much spoken about in this report, would be used against the survivors, who would be oppressed and unable to resist the aggressors under such conditions of mass terror. These people, living in a state of panic, fearing death, torture and humiliation, would be forced to leave their native homes and abandon the territory of Abkhazia.

Tribes from the North Caucasus would then occupy the lands and houses left by Georgians, populating the entire coastal zone of the Black Sea. This is why thousands of mercenaries (killers and cannibals) from foreign countries, envenomed with separatism, nationalism and extremism were allowed to invade Abkhazia.

It is necessary to take new and decisive steps, Mister President.

The Prosecutor General's Office of Georgia is one of the main authors of more than 200 volumes of the investigation's findings, which contain details of unheard-of crimes committed in Abkhazia against the Georgian population. This office is ready to appear at the Hague International Tribunal immediately, with a mandate from our country to act for the prosecution against the Abkhazian separatists. Keeping strictly to the legislation, the Office can, with a clear conscience, support the grave accusations made against Abkhazian separatists in order to make them answer for the unprecedented evil done both to the population of Georgia and to humanity.

I would like to conclude optimistically this very difficult and sad speech of mine. I am sure justice will prevail and we will return to Abkhazia. For our land, our memories of childhood and adolescence, our burned houses and the neglected graves of our ancestors are calling us.

Annex IV

Statements made by some eyewitnesses of the tragedy

**Naira Kalandia, resident of Sukhumi**

After the fall of Sukhumi in September 1993, my entire family, together with our neighbours, started on their way to the river Enguri. A gang consisting of Abkhazians, Russians and Chechens caught up with us near the village of Kindgi. The nine days spent with them were like nine days in hell. I saw with my own eyes how people were humiliated and insulted. About twenty young men were shot and killed. Seeing this, I realised that they would kill my only son too, so I implored the Abkhazians, Chechens and others who were with them to kill me instead of my son. However, they said in answer, "You will soon die a natural death. What we have to do is kill this foul creature, so that you are unable to multiply". Then they hit me with a butt and I fainted.

A burst of sub-machine-gun fire brought me to my senses. My seventeen-year-old son was lying flat in front of me. One more burst of fire from the murderer followed, and a mixture of bones and blood was all that was left of my son. I still have a piece of his bone - nose gristle - in my pocket, as a token of remembrance. Then they dragged me by the hair to a well full of water. Seven or eight people, both young and old, were standing near it. The murderers told me to watch these peoples' acrobatic jumps into the well and began dropping them into it alive.

I was a mother whose son had been killed only ten minutes before, but I was nevertheless happy that my son was dead, as now he did not have to face such torture and humiliation.

However, I found that death is not the worst fate in the world. They took off a young man's skull with a bullet and made me thrust my face into his brains. Then they hung me by my feet, opened my mouth and made me swallow his eye, which had been put out with a knife. I wanted to die. I asked some Russian soldiers to kill me, but the Abkhazians did not allow them to do so, as they wanted to torture me further.

I left my son in Kindgi half buried in a grave, or, to be more exact, in a pit dug with my own hands. There was not enough room for him there, so his hands and feet stuck out on the surface. I covered them with branches and managed to put stones on them, so that pigs and dogs would be unable to eat his corpse.

I am just an ordinary woman, but I have come to a conclusion during the last six years. What was done to me was not simply a crime against my family. It is part of something much more dangerous and sinister: the well-organised and large-scale genocide of Georgians.

**Khuta Jaiani, resident of Sukhumi**

The policy of extermination of Georgians had been planned purposefully for years before Abkhazian separatists began the 1992-1993 war against Georgians.

Long before the war began, I worked as a train conductor. Trains going from Moscow to Sukhumi were often loaded with boxes full of arms in the town of Tula (Russia) and unloaded in the town of Gudauta (Abkhazia).

Not only the Abkhazian leadership, but also common Abkhazians were preparing for the war. One day, by chance, I saw a great number of truncheons in the house of my neighbour, Robik Ladaria. The truncheons had two or three 150-mm long nails in them. They were made to kill people.

I was captured in September 1993, after the Russian-Abkhazian army entered Sukhumi. I was beaten, tortured and then transferred to Bambora concentration camp in Gudauta.

Many Georgian captives were tormented there together with me. Every night I was cruelly beaten and tortured. I was made to shoot and kill Georgians; if I refused I was beaten until I fainted.

I survived thanks to international peacekeeping forces.

I can say aloud that Russia, its authorities and military forces fought against us together with Abkhazians.

**Lamara Nachkebia, teacher from Gali**

The battle between Georgia and Abkhazian separatists ended six years ago. However, battles are still underway in Gali. No conquerors of any epoch have committed atrocities similar to those witnessed by the ancient land of Samurzakano.

Your souls will be moved when you see the burned houses, which became the graves of their owners, as most of the people were burned alive in their homes. Being burned alive, buried alive, mutilated, raped, castrated and scalped - this is an incomplete list of the torments and humiliation suffered by Georgians from Gali. And all this is happening at a time when the leader of the perpetrators of these crimes, Ardzinba, is trying to speak the language of civilised people. He has even turned out to know human rights. However, his people are victimising peaceful residents solely because they are Georgians.

This is why the invaders have tortured innocent people. They know that the extermination of the educated members of the community will lead them to their goal -- the genocide of Georgians. This is why they have killed tens of families of Georgian intellectuals.

Leonti Kvaratskhelia and his son, together with their close relative Dazmir Kakulia, were shot and killed in their own house at midnight. Their bodies were then cut into pieces. The Sigua family, all of whom were teachers known for their goodness and warmth, was also destroyed with unimaginable cruelty. On 11 November 1993, 76-year-old Arsen Sigua was first tortured and then killed in his own house. His 87-year old sister Nino tried to protect him, but she too was killed. Their younger sister Vera Sigua, who had taught and raised many people, was first raped and then killed.

In Gali District, in 1993-1997, Abkhazian militiamen inhumanely tortured and killed the well-known teachers Khuta Pirtskhelava and Vakhtang Emkhvari, Bidzina Gujejiani and Platon Takalandze. The teacher Akaki Shengelia was forced into his house, and there burned alive. The former headmaster of the school at Ganakhleba, Akaki Tsobekhia, was locked up in the library and burned together with the books.

A Police Major from Chuburkhinji Bochia Kolbaya was cruelly tortured. They first cut out his shoulder blade and then shot and killed him.

The Sanaya family in Shesheleti was exterminated with unimaginable brutality. The father saw how six members of his family - two sons and four under-age granddaughters were killed. Later the father himself was also killed.

The most respected intellectuals of Gali; Bidzina Otkhozoria, Zhilin, Emir and Rabo Shonia were also tortured and killed.

The sadists were equally cruel to everyone. Nineteen-year-old Tutu Ketsbaya and 67-year-old Nazo Kilanava-Akishbaya from Gudava were tortured and killed. Seventy-three-year-old David Rukhaya was strangled with wire.

Sixteen-year old Gocha Khasaya and 15-year-old Lasha Tsikolia, 15-year-old Zaza Buava and 16-year-old Khvicha Kalandia were barbarously tortured and killed.

What crime had the 16 and 20-year-old Lezhava brothers committed? The boys were locked up in a trunk and then shot while inside.

I do not think Gocha Cherkezia from Tsarche, who had done nothing wrong, could have imagined the forms of torture he would have to suffer. He was taken away from his home and held captive for two weeks. He was then tied to a tractor together with Kvaratskhelia from the same village. They were dragged along the ground until they lost consciousness, after which they were covered with kerosene and burned to death.

On 20 May 1998, Abkhazian separatists started a large-scale punitive operation against the population of Gali. This was a continuation of the bloody policies of ethnic cleansing and genocide carried out by the Ardzinba regime for the previous five years against the Georgians who remained in the Gali District, or who had returned there on their own.

The martyrs' deaths of more than 70 peaceful residents; tens of people missing; about 40 thousand homeless people who became displaced for the second time and had to flee to the Zugdidi and Tsalenjikha Districts; 24 hundred houses and 18 schools burned. These are the bloody statistics of the second stage of the genocide of Georgians.

Ladies and gentlemen! I am a teacher from Gali, so it is not surprising that I am preoccupied with the problems of the men, women and children from this region. There is a Georgian school in Gali, which has not had a Georgian first grade for five years. Very few Georgian lessons are taught in the so-called Georgian school; Georgian history and geography are not taught at all.

It should be noted that the tragedy in Gali District has caused the resentment of the population towards international organisations. We are well aware that the obligation of the UN observers is to register events and submit the data to the international community. But if these observers do their work honestly, why doesn't the UN assess the crimes of Abkhazian separatists committed against the Georgian population? Why is the UN silent? Why does it make useless and ineffectual statements?

We demand equal consideration of the conflicts in Kosovo and Abkhazia. As has been the case in Kosovo, force should be used in Abkhazia to establish peace. The leader of the Abkhasian separatists should be made to answer, like Milosevic, for the crimes committed against the Georgian population.

I hope that our proposals will be taken into consideration. When theses demands are met, the Georgian and Abkhazian peoples will be able to unite and think about their common future.

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**UNITED NATIONS** **S**

**Security Council**

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GENERAL

S/1999/815
23 July 1999

ORIGINAL: ENGLISH

LETTER DATED 23 JULY 1999 FROM THE PERMANENT REPRESENTATIVE OF ZAMBIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

At the request of my Government, I have the honour to forward to you herewith the Ceasefire Agreement together with its annexures on the Democratic Republic of the Congo, signed by regional leaders at Lusaka, Zambia, on 10 July 1999.

I should be grateful if you would bring the contents of this letter and the above-mentioned Ceasefire Agreement to the attention of the members of the Security Council. Further, it would be appreciated if you would circulate the Agreement as a document of the Security Council.

(Signed) Peter L. KASANDA
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Zambia
to the United Nations

Annex

# CEASEFIRE AGREEMENT

## PREAMBLE

We the Parties to this Agreement;

**CONSIDERING** Article 52 of the UN Charter on regional arrangements for dealing with matters relating to the maintenance of international peace and security as are appropriate for regional action;

**REAFFIRMING** the provisions of Article 3 of the OAU Charter which, inter alia, guarantee all Member States the right to their sovereignty and territorial integrity;

**REAFFIRMING** further Resolution AHG/16/1 adopted by the OAU Assembly of Heads of State and Government in 1964 in Cairo, Egypt, on territorial integrity and the inviolability of national boundaries as inherited at independence.

**RECALLING** the Pretoria Summit Communique dated 23rd August, 1998 re-affirming that all ethnic groups and nationalities whose people and territory constituted what became Congo (now DRC) at independence must enjoy equal rights and protection under the law as citizens.

**DETERMINED** to ensure the respect, by all Parties signatory to this Agreement, for the Geneva Conventions of 1949 and the Additional Protocols of 1977, and the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, as reiterated at the Entebbe Regional Summit of 25 March, 1998;

**DETERMINED** further to put to an immediate halt to any assistance, collaboration or giving of sanctuary to negative forces bent on destabilising neighbouring countries;

**EMPHASISING** the need to ensure that the principles of good neighbourliness and non-interference in the internal affairs of other countries are respected;

**CONCERNED** about the conflict in the Democratic Republic of Congo and its negative impact on the country and other countries in the Great Lakes Region;

**REITERATING** the call made at the Second Victoria Falls Summit held from 7 to 8 September, 1998, as contained in the Joint Communiqué of the Summit, for the immediate cessation of hostilities;

**COGNISANT** of the fact that addressing the security concerns of the DRC and neighbouring countries is central and would contribute to the peace process;

**RECALLING** the mandate, contained in the Victoria Falls II Joint Communiqué, given to the Ministers of Defence and other officials working in close cooperation with the OAU and the UN to establish the modalities for effecting an immediate ceasefire and put in place a mechanism for monitoring compliance with the ceasefire provisions;

**RECALLING** the United Nations Security Council Resolution 1234 of 9 April, 1999 and all other Resolutions and Decisions on the DRC since 2 August,1998.

**RECALLING** further the Summit meetings of Victoria Falls I and II, Pretoria, Durban, Port Louis, Nairobi, Windhoek, Dodoma and the Lusaka and Gaborone Ministerial peace efforts on the DRC conflict;

**RECALLING** further the Peace Agreement signed on 18 April, 1999 at Sirte (Libya);

**RECOGNISING** that the conflict in the DRC has both internal and external dimensions that require intra-Congolese political negotiations and commitment of the Parties to the implementation of this Agreement to resolve;

**TAKING** note of the commitment of the Congolese Government, the RCD, the MLC and all other Congolese political and civil organisations to hold an all inclusive National Dialogue aimed at realising national reconciliation and a new political dispensation in the DRC;

**HEREBY AGREE AS FOLLOWS:-**

## ARTICLE I

## THE CEASE-FIRE

1. The Parties agree to a cease-fire among all their forces in the DRC.

2. The cease-fire shall mean:

   a. the cessation of hostilities between all the belligerent forces in the DRC, as provided for in this Cease-fire Agreement (hereinafter referred to as "the Agreement");

   b. the effective cessation of hostilities, military movements and reinforcements, as well as hostile actions, including hostile propaganda;

   c. a cessation of hostilities within 24 hours of the signing of the Cease-fire Agreement;

3. The Ceasefire shall entail the cessation of:-

   a. all air, land, and sea attacks as well as all actions of sabotage;

   b. attempts to occupy new ground positions and the movement of military forces and resources from one area to another, without prior agreement between the parties;

   c. all acts of violence against the civilian population by respecting and protecting human rights. The acts of violence include summary executions, torture, harassment, detention and execution of civilians based on their ethnic origin; propaganda inciting ethnic and tribal hatred; arming civilians; recruitment and use of child soldiers; sexual violence; training and use of

terrorists; massacres, downing of civilian aircraft; and bombing the civilian population;

d. supplies of ammunition and weaponry and other war-related stores to the field;

e. any other actions that may impede the normal evolution of the cease-fire process.

## ARTICLE II

## SECURITY CONCERNS

4. On the coming into force of this Agreement the Parties commit themselves to immediately address the security concerns of the DRC and her neighbouring countries.

## ARTICLE III

## PRINCIPLES OF THE AGREEMENT

5. The provisions of paragraph 3 (c) do not preclude the supply of food, clothing and medical support for the military forces in the field.

6. The cease-fire shall guarantee the free movement of persons and goods throughout the national territory of the Democratic Republic of Congo.

7. On the coming into force of the Agreement, the Parties shall release persons detained or taken hostage and shall give them the latitude to relocate to any provinces within the DRC or country where their security will be guaranteed.

8. The Parties to the Agreement commit themselves to exchange prisoners of war and release any other persons detained as a result of the war.

9. The Parties shall allow immediate and unhindered access to the International Committee of the Red Cross (ICRC) and Red Crescent for the purpose of arranging the release of prisoners of war and other persons detained as a result of the war as well as the recovery of the dead and the treatment of the wounded.

10. The Parties shall facilitate humanitarian assistance through the opening up of humanitarian corridors and creation of conditions conducive to the provision of urgent humanitarian assistance to displaced persons, refugees and other affected persons.

11. a. The United Nations Security Council, acting under Chapter VII of the UN Charter and in collaboration with the OAU, shall be requested to constitute, facilitate and deploy an appropriate peacekeeping force in the DRC to ensure implementation of this Agreement; and taking into account the peculiar situation of the DRC, mandate the peacekeeping force to track down all armed groups in the DRC. In this respect, the UN Security Council shall provide the requisite mandate for the peace-keeping force.

b. The Parties shall constitute a Joint Military Commission (JMC) which shall, together with the UN/OAU Observer group be responsible for executing, immediately after the coming into force of this Agreement, peace-keeping operations until the deployment of the UN peace-keeping force. Its composition and mandate shall be as stipulated in Chapter 7 of Annex 'A' of this Agreement.

12. The final withdrawal of all foreign forces from the national territory of the DRC shall be carried out in accordance with the Calender in Annex 'B' of this Agreement and a withdrawal schedule to be prepared by the UN, the OAU and the JMC.

13. The laying of mines of whatever type shall be prohibited.

14. There shall be immediate disengagement of forces in the areas where they are in direct contact.

15. Nothing in the Agreement shall in any way undermine the sovereignty and territorial integrity of the Democratic Republic of Congo.

16. The Parties re-affirm that all ethnic groups and nationalities whose people and territory constituted what became Congo (now DRC) at independence must enjoy equal rights and protection under the law as citizens.

17. The Parties to the Agreement shall take all necessary measures aimed at securing the normalisation of the situation along the international borders of the Democratic Republic of Congo, including the control of illicit trafficking of arms and the infiltration of armed groups.

18. In accordance with the terms of the Agreement and upon conclusion of the Inter-Congolese political negotiations, state administration shall be re-established throughout the national territory of the Democratic Republic of Congo.

19. On the coming into force of the Agreement, the Government of the DRC, the armed opposition, namely, the RCD and MLC as well as the unarmed opposition shall enter into an open national dialogue. These inter-Congolese political negotiations involving ***les forces vives*** shall lead to a new political dispensation and national reconciliation in the DRC. The inter-Congolese political negotiations shall be under the aegis of a neutral facilitator to be agreed upon by the Congolese parties. All the Parties commit themselves to supporting this dialogue and shall ensure that the inter-Congolese political negotiations are conducted in accordance with the provisions of Chapter 5 of Annex 'A'.

20. In accordance with the terms of the Agreement and upon the conclusion of the national dialogue, there shall be a mechanism for the formation of a national, restructured and integrated army, including the forces of the Congolese Parties who are signatories to this Agreement, on the basis of negotiations between the Government of the Democratic Republic of Congo and the RCD and MLC.

21. The Parties affirm the need to address the security concerns of the DRC and her neighbouring countries.

22. There shall be a mechanism for disarming militias and armed groups, including the genocidal forces. In this context, all Parties commit themselves to the process of locating, identifying, disarming and assembling all members of armed groups in the DRC. Countries of origin of members of the armed groups, commit themselves to taking all the necessary measures to facilitate their repatriation. Such measures may include the granting of amnesty in countries where such a measure has been deemed beneficial. It shall, however, not apply in the case of suspects of the crime of genocide. The Parties assume full responsibility of ensuring that armed groups operating alongside their troops or on the territory under their control, comply with the processes leading to the dismantling of those groups in particular.

23. The Parties shall ensure the implementation of the terms of the Agreement and its Annexes 'A' and 'B' which form an integral part of the Agreement.

24. The definitions of common terms used are at Annex 'C'.

25. The Agreement shall take effect 24 hours after signature.

26. The Agreement may be amended by agreement of the Parties and any such amendment shall be in writing and shall be signed by them in the same way as the Agreement.

**IN WITNESS WHEREOF** the duly authorised representatives of the Parties have signed the Agreement in the English, French and Portuguese languages, all texts being equally authentic.

**DONE AT LUSAKA (ZAMBIA) ON THIS ..... DAY OF .....**

[Signature]

.....

**FOR THE REPUBLIC OF ANGOLA**

[Signature]

.....

**FOR THE DEMOCRATIC REPUBLIC OF CONGO**

[Signature]

.....

**FOR THE REPUBLIC OF NAMIBIA**

[Signature]

.....

**FOR THE REPUBLIC OF RWANDA**

[Signature]

.....

**FOR THE REPUBLIC OF UGANDA**

[Signature]

.....

**FOR THE REPUBLIC OF ZIMBABWE**

**AS WITNESSES:-**

[Signature]

.....

**FOR THE REPUBLIC OF ZAMBIA**

[Signature]

.....

**FOR THE ORGANISATION OF AFRICAN UNITY**

[Signature]

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**FOR THE UNITED NATIONS**

[Signature]

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**FOR THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY**

Enclosure I

# ANNEX 'A' TO THE CEASE-FIRE AGREEMENT

## MODALITIES FOR THE IMPLEMENTATION OF THE CEASE-FIRE AGREEMENT IN THE DEMOCRATIC REPUBLIC OF CONGO

## CHAPTER I

## CESSATION OF HOSTILITIES

1.1 The Parties, shall announce a cessation of hostilities, to be effective 24 hours after the signing of the Cease-fire Agreement. The announcement of cessation of hostilities shall be disseminated by the parties through command channels, and it shall concurrently be communicated to the civil population via print and electronic media.

1.2 Until the deployment of United Nations/Organisation of African Unity (UN/OAU) observers, the cessation of hostilities shall be regulated and monitored by the Parties through the Joint Military Commission. With the deployment of UN/OAU observers, the responsibility of verification, control and monitoring of the cessation of hostilities and subsequent disengagement shall be reported through UN/OAU.

1.3 Any violation of the cessation of hostilities and subsequent events shall be reported to the Joint Military Commission and to the UN/OAU mechanisms through the agreed chain of command for investigation and action as necessary.

## CHAPTER 2

## DISENGAGEMENT

2.1 The disengagement of forces shall mean the immediate breaking of tactical contact between the opposing Military Forces of the Parties to this Agreement at places where they are in direct contact by the effective date and time of the Cease-Fire Agreement.

2.2 Where immediate disengagement is not possible, a framework and sequence of disengagement is to be agreed by all Parties through the Joint Military Commission/UN and OAU.

2.3 Immediate disengagement at the initiative of all military units shall be limited to the effective range of direct fire weapons. Further disengagement to pull all weapons out of range, shall be conducted under the guidance of the Joint Military Commission/UN/OAU .

2.4. Wherever disengagement by movement is impossible or impractical, alternative solutions requiring that weapons are rendered safe shall be designed by the Joint Military Commission/UN and OAU.

## CHAPTER 3

## RELEASE OF HOSTAGES AND EXCHANGE OF PRISONERS OF WAR

3.1 Upon the cease-fire taking effect, all Parties shall provide ICRC/Red Crescent with relevant information concerning their prisoners of war or persons detained because of the war. They shall subsequently accord every assistance to the ICRC/Red Crescent representatives to enable them to visit the prisoners and detainees and verify any details and ascertain their condition and status.

3.2 On the coming into force of the Agreement, the Parties shall release persons detained because of the war or taken hostage, within three days of the signing of the Cease-fire Agreement and the ICRC/Red Crescent shall give them all the necessary assistance including relocation to any provinces within the DRC or any other country where their security will be guaranteed.

## CHAPTER 4

## ORDERLY WITHDRAWAL OF ALL FOREIGN FORCES

4.1 The final orderly withdrawal of all foreign forces from the national territory of the Democratic Republic of Congo shall be in accordance with Annex 'B' of this Agreement.

4.2 The Joint Military Commission/OAU and UN shall draw up a definitive schedule for the orderly withdrawal of all foreign forces from the Democratic Republic of Congo.

## CHAPTER 5

## NATIONAL DIALOGUE AND RECONCILIATION

5.1 On the coming into force of the Cease-fire Agreement in the DRC, the Parties agree to do their utmost to facilitate the inter-Congolese political negotiations which should lead to a new political dispensation in the Democratic Republic of Congo.

5.2 In order to arrive at a new political dispensation and national reconciliation arising from the inter-Congolese political negotiations, the Parties agree upon the implementation of the following principles:

(a) the inter-Congolese political negotiations process shall include beside the Congolese parties, namely the Government of the Democratic Republic of Congo, the Congolese Rally for Democracy and the Movement for the Liberation of Congo, the political opposition as well as representatives of the ***forces vives***;

(b) all the participants in the inter-Congolese political negotiations shall enjoy equal status;

(c) all the resolutions adopted by the inter-Congolese political negotiations shall be binding on all the participants;

5.3 The Parties agree that the Organisation of African Unity shall assist the Democratic Republic of Congo in organising the inter-Congolese political negotiations under the aegis of a neutral facilitator chosen by the Parties by virtue of his/her moral authority, his/her international credibility and his/her experience.

5.4 For the success of the all inclusive inter-Congolese political negotiations leading to national reconciliation, the facilitator shall be responsible for:

(a) making the necessary contacts pertaining to the organisation of the inter-Congolese political negotiations within an environment which will cater for the security of all participants;

(b) organising, in conjunction with the Congolese Parties, consultations with a view to inviting all the major organisations and groups of the recognised representative political opposition as well as the main representatives of the ***forces vives***;

(c) conducting, in accordance with the timetable, the discussions leading to the establishment of a new political dispensation in the Democratic Republic of Congo.

5.5 Without prejudice to other points that may be raised by the participants, the Congolese Parties shall agree:-

(a) the timetable and the rules of procedure of the inter-Congolese political negotiations;

(b) the formation of a new Congolese National army whose soldiers shall originate from the Congolese Armed Forces, the armed forces of the RCD and the armed forces of the MLC;

(c) the new political dispensation in the DRC, in particular the institutions to be established for good governance purposes in the DRC;

(d) the process of free, democratic and transparent elections in the DRC;

(e) the draft of the Constitution which shall govern the DRC after the holding of the elections;

5.6 The calendar of the inter-Congolese political negotiations shall be as follows:

i. Selection of a facilitator D-Day +15 days

ii. Beginning of national dialogue D-Day +45 days

iii. Deadline for the close of national dialogue D-Day +90 days

iv. Establishment of new institutions D-Day+91 days

## CHAPTER 6

## RE –ESTABLISHMENT OF THE STATE ADMINISTRATION OVER THE TERRITORY OF THE DEMOCRATIC REPUBLIC OF CONGO

6.1 In accordance with the terms of the Agreement and upon conclusion of the Inter-Congolese political negotiations, state administration shall be re-established throughout the national territory of the Democratic Republic of Congo.

6.2 On the coming into force of the Agreement, there shall be a consultative mechanism among the Congolese Parties which shall make it possible to carry out operations or actions throughout the national territory which are of general interest, more particularly in the fields of public health (e.g. national immunisation campaign), education (e.g. marking of secondary school leavers examinations), migrations, movement of persons and goods.

## CHAPTER 7

## THE JOINT MILITARY COMMISSION

7.1. The Joint Military Commission shall be answerable to a Political Committee composed of the Ministers of Foreign Affairs and Defence or any other representative duly appointed by each Party.

7.2 The Joint Military Commission shall be a decision making body composed of two representatives from each Party under a neutral Chairman appointed by the OAU in consultation with the Parties.

7.3 The Joint Military Commision shall reach its decisions by consensus.

7.4 The mandate of the Joint Military Commission shall be to :-

a. establish the location of Units at the time of the Cease-fire;

b. facilitate liaison between the Parties for the purpose of the Cease-fire;

c. assist in the disengagement of forces and the investigation of any cease-fire violations;

d. verify all information, data and activities relating to military forces of the Parties;

e. verify the disengagement of the military forces of the Parties where they are in direct contact;

f. work out mechanisms for disarming armed groups;

g. verify the disarmament and quartering of all armed groups;

h. and verify the disarmament of all Congolese civilians who are illegally armed; and

i. monitor and verify orderly withdrawal of all foreign Forces.

7.5 The Parties commit themselves to providing the JMC with any relevant information on the organisation, equipment and locations of their forces, on the understanding that such information will be kept confidential.

## CHAPTER 8

## UNITED NATIONS PEACE-KEEPING MANDATE

8.1 The UN in collaboration with the OAU shall constitute, facilitate and deploy an appropriate force in the DRC to ensure implementation of this Agreement.

8.2 The mandate of the UN force shall include peacekeeping and peace enforcement operations as outlined below:-

8.2.1 **Peacekeeping:**

a. Work with the JMC/OAU in the implementation of this Agreement;

b. Observe and monitor the cessation of hostilities;

c. Investigate violations of the Cease-fire Agreement and take necessary measures to ensure compliance;

d. Supervise disengagement of forces of the Parties as stipulated in chapter 2 of this Annex;

e. Supervise the re-deployment of forces of the Parties to Defensive Positions in conflict zones in accordance with Chapter II of this Agreement;

f. Provide and maintain humanitarian assistance to and protect displaced persons, refugees and other affected persons;

g. Keep the Parties to the Cease-fire Agreement informed of its peace-keeping operations;

h. Collect weapons from civilians and ensure that the weapons so collected are properly accounted for and adequately secured;

i. In collaboration with JMC/OAU, schedule and supervise the withdrawal of all foreign forces;

j. Verify all information, data and activities relating to military forces of the Parties.

8.2.2 **Peace Enforcement:**

a. Tracking down and disarming Armed Groups;

b. Screening mass killers, perpetrators of crimes against humanity and other war criminals;

c. Handing over "genocidaires" to the International Crimes Tribunal for Rwanda;

d. Repatriation;

e. Working out such measures (persuasive or coercive) as are appropriate for the attainment of the objectives of disarming, assembling, repatriation and reintegration into society of members of the Armed Groups.

8.3 Composition of the UN Peace-keeping forces shall be selected from countries acceptable to all the Parties.

8.4 The Joint Military Commission shall, immediately upon the coming into force of the Agreement, be responsible for executing peace-keeping operations until the deployment of the UN Peace-keeping force.

## CHAPTER 9

## DISARMAMENT OF ARMED GROUPS

9.1 The JMC with the assistance of the UN/OAU shall work out mechanisms for the tracking, disarming, cantoning and

documenting of all armed groups in the DRC, including ex-FAR. ADF. LRA, UNRF11, *Interahamwe,* FUNA, FDD, WNBF, UNITA and put in place measures for:-

a. handing over to the UN International Tribunal and national courts, mass killers and perpetrators of crimes against humanity; and

b. handling of other war criminals.

9.2 The Parties together with the UN and other countries with security concerns, shall create conditions conducive to the attainment of the objective set out in 9.1 above, which conditions may include the granting of amnesty and political asylum, except for genocidaires. The Parties shall also encourage inter-community dialogue.

## CHAPTER 10

## FORMATION OF A NATIONAL ARMY

10.1 In accordance with the terms of the Agreement and following the inter-Congolese political negotiations, there shall be a mechanism taking into account, among others, the physical check of troops, the precise identification of troops, the precise identification of all elements with regard to their origin, date of their enlistment, the units to which they belong, as well as the identification of terrorists and the count of weapons of war distributed in the framework of irregular ("parallel") civil defence groups, for the formation of a national army, restructured and integrated, including the forces of the Congolese Parties signatories to the Agreement, on the basis of negotiations between the Government of the

Democratic Republic of Congo, the Congolese Rally for Democracy and the Movement for the Liberation of the Congo.

## CHAPTER 11

## RE-DEPLOYMENT OF FORCES OF THE PARTIES, TO DEFENSIVE POSITIONS IN CONFLICT ZONES

11.1 Following disengagement, all forces shall re-deploy to defensive positions.

11.2 The positions where units are located shall be identified and recorded by the JMC/OAU and UN.

11.3 Upon re-deployment to defensive positions, all forces shall provide relevant information on troop strength, armaments and weapons they hold in each location, to the JMC, OAU and UN mechanisms.

11.4 The JMC shall verify the reported data and information. All forces shall be restricted to the declared and recorded locations and all movements shall be authorised by the JMC, OAU and UN mechanisms. All forces shall remain in the declared and recorded locations until:

a. in the case of foreign forces, withdrawal has started in accordance with JMC/OAU, UN withdrawal schedule; and

b. in the case of FAC and RCD/MLC forces, in accordance with their negotiated agreement.

## CHAPTER 12

## NORMALISATION OF THE SECURITY SITUATION ALONG THE COMMON BORDERS BETWEEN THE DEMOCRATIC REPUBLIC OF CONGO AND ITS NEIGHBOURS

12.1 Normalisation of the security situation along the common borders between the Democratic Republic of Congo and its neighbours requires each country:-

a. Not to arm, train, harbour on its territory, or render any form of support to subversive elements or armed opposition movements for the purpose of destabilising the others;

b. To report all strange or hostile movements detected by either country along the common borders;

c. To identify and evaluate border problems and cooperate in defining methods to peacefully solve them;

d. To address the problem of armed groups in the Democratic Republic of Congo in accordance with the terms of the Agreement.

## CHAPTER 13

## CALENDAR FOR THE IMPLEMENTATION OF THE CEASE-FIRE AGREEMENT

The Calendar for the implementation of the Cease-fire Agreement is contained in annex B.

Enclosure II

Annex B to the Ceasefire Agreement

# CALENDAR FOR THE IMPLEMENTATION OF CEASE-FIRE AGREEMENT

| Major Cease-fire Events | | Proposed Calendar |
|---|---|---|
| 1. | Formal signing of the Cease-fire. | D – Day |
| 2. | Announcement of and dissemination of information on cease-fire by all Parties. | D – Day + 24 hours |
| 3. | Cessation of Hostilities, including cessation of Hostile Propaganda. | D – Day + 24 hours |
| 4. | Release of hostages | D – Day + 3 days |
| 5. | Establishment of Joint Military Commission and Observer Groups. | D – Day + 0 hours → D – Day + 7 days |

| | | |
|---|---|---|
| 6. | Disengagement of Forces | D – Day + 14 days |
| 7. | Selection of a facilitator | D – Day + 15 days |
| 8. | Redeployment of the Forces of the Parties in the conflict Zones. | D – Day+15 days → D-Day + 30 days |
| 9. | Provide information to the JMC, OAU and UN Mechanism. | D – Day + 21 days |
| 10. | Mobilisation of OAU Observers | D – Day + 30 days |
| 11. | Release/Exchange of Prisoners of War | D – Day +7 days → D + 30 days |
| 12. | Beginning of National Dialogue | D – Day + 45 days |
| 13. | Deadline for the closure of the National Dialogue. | D – Day + 90 days |
| 14. | Establishment of New Institutions. | D – Day + 91 days |
| 15. | Deployment of UN Peace Keeping Mission. | D – Day + 120 days |

| | | |
|---|---|---|
| 16. | Disarmament of Armed Groups | D – Day + 30 days →<br>D –Day + 120 days |
| 17. | Orderly Withdrawal of all Foreign Forces. | D – Day + 180 days |
| 18. | Verification and Monitoring | D – Day + 7 days →<br>D – Day + 180 days (renewable) |
| 19. | Re-establishment of State Administration | D – Day + 90 days →<br>D – Day + 270 days |
| 20. | Disarmament of Non-Military Personnel | D – Day + 360 days |
| 21. | Measures to normalise the security situation along the International borders. | D – Day + 30 days →<br>D – Day + 360 days |

Enclosure III

## ANNEX 'C' TO THE CEASEFIRE AGREEMENT

## DEFINITIONS

*"**Armed groups**", means forces other than Government forces, RCD and MLC that are not signatories to this agreement. They include ex-FAR, ADF, LRA, UNRF II,NALU Interahamwe militias, FUNA, FDD, WNBF, UNITA and any other forces.*

*"**Forces of the Parties**", means the forces of the signatories to the Agreement.*

*"**Parties**", means signatories to the Agreement.*

*"**Great Lakes region**", means the group of states within or bordering the Great Rift Valley system of East and Central Africa.*

*"**National Dialogue**", means the process involving all stakeholders in the inter-Congolese political negotiations with a view to installing a new political dispensation which will bring about national reconciliation and the early holding of free and fair democratic elections.*

*"**Forces Vives**" means all the stakeholders representatives of the civil society such as the churches, Trade Unions etc.*

*"**Cease-fire Agreement**", means this document and its Annexes.*

*"**Interahamwe**" means armed militias who carried out genocide in Rwanda in 1994.*

## ***ABBREVIATIONS***

| | | |
|---|---|---|
| *ADF* | - | *Allied Democratic Forces* |
| *Ex-FAR* | - | *Former Rwandese Armed Forces* |
| *FDD* | - | *Forces for the Defence of Democracy of Burundi* |
| *FUNA* | - | *Former Uganda National Army* |
| *LRA* | - | *Lord's Resistance Army* |
| *UNRF II* | - | *Uganda National Rescue Front II* |
| *UN* | - | *United Nations Organisation* |
| *OAU* | - | *Organisation of African Unity* |
| *RCD* | - | *Congolese Rally for Democracy* |
| *MLC* | - | *Movement for the Liberation of Congo* |
| *SADC* | - | *Southern Africa Development community* |
| *DRC* | - | *Democratic Republic of Congo* |
| *JMC* | - | *Joint Military Commission* |
| *ICRC* | - | *International Committee of the Red Cross/ Red Crescent* |
| *FAC* | - | *Congolese Armed Forces* |
| *WNBF* | - | *West Nile Bank Front* |
| *UNITA* | - | *National Union for the Total Independence of Angola* |
| *NALU* | - | *National Army for the Liberation of Uganda* |

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**UNITED NATIONS** **S**

**Security Council**

Distr.
GENERAL

S/1999/816
23 July 1999
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 23 JULY 1999 FROM THE PERMANENT REPRESENTATIVE OF BURUNDI TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you the text of a statement issued by the Government of Burundi on the Arusha negotiations between Burundian parties - with Mwalimu Julius Nyerere as facilitator - and specifically on the work of the session of 5 to 17 July 1999 (see annex).

The Government of Burundi reaffirms, in plain language, its determination to continue the Burundian peace process on the internal and external fronts. It hopes and prays for the conclusion of a peace agreement as soon as possible.

The Government of Burundi appeals to all the parties to act responsibly. It also appeals for support for the facilitation of the process. It further appeals for the international community's support in condemning and bringing to an immediate end the acts of violence admittedly perpetrated by certain armed groups, which were nonetheless invited to and were present at Arusha. The process of negotiation and inclusive dialogue is the only means of settling the present Burundian conflict.

I should be grateful if you would have this letter and its annex circulated as a Security Council document.

(Signed) Gamaliel NDARUZANIYE
Ambassador
Permanent Representative

## Annex

## Statement issued on 21 July 1999 by the Government of Burundi on the Arusha negotiations

During its regular meeting on Tuesday, 20 July 1999, the Council of Ministers evaluated the work of the session of negotiations between Burundian parties which has just concluded in Arusha (5-17 July 1999). It noted with consternation that serious charges were gratuitously made by the facilitator, Mwalimu Julius Nyerere, against the Government of the Republic of Burundi, particularly during the closing meeting.

The Government would therefore like to make the following statement so as to enlighten national and international opinion:

1. For three years, the Government of the Republic of Burundi has freely and sovereignly opted for inclusive dialogue as a means of settling the Burundian conflict. So far, it has been the driving force behind the ongoing peace process. The Government reiterates its commitment to pursue this dialogue on both the internal and external fronts. It hopes and prays for a peace agreement to be concluded as soon as possible. It cannot shirk its responsibility, for the pursuit of peace must begin with Burundians themselves.

2. There is no objective basis for the allegations made by the facilitator, Mwalimu Julius Nyerere, against the Government of Burundi and the President of the Republic, Mr. Pierre Buyoya. The Government most categorically rejects those allegations. It did not cause the deadlocks in Arusha - far from it. It therefore refuses to be used as a scapegoat.

3. Nevertheless, the Government considers that a halt to the acts of violence continually perpetrated against the Burundian people is a matter of urgency and priority. Whereas elsewhere negotiations begin with a ceasefire, in Arusha the question is constantly avoided. The Government of Burundi has always demanded a halt to violence, and will continue this campaign in all international forums. Nothing can justify those unmentionable crimes. Moreover, the continuation of hostilities makes the peace process totally meaningless.

4. The exclusion of certain armed bands from the Arusha negotiations is an impediment to the peace process which must be removed. In the so-called global negotiations, what reasonable grounds can there be for rejecting any of the parties?

5. In a context in which the rebel groups are using extreme violence against the Burundian population and the Government, it is, to say the least, obvious that the Government's role is not to organize any armed bands, but instead to protect the population against such violence. Facilitators are supposed to discharge their responsibilities.

6. The Government will not allow itself to be diverted from the search for peace. It appeals to all the partners in the peace process to devote their

efforts in pursuit of the general interest and to work for peace seriously and realistically.

Luc RUKINGAMA
Minister for Communication and
Spokesman for the Government

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S/1999/817
23 July 1999
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 23 JULY 1999 FROM THE PERMANENT REPRESENTATIVE OF BURUNDI TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you of the note verbale which the Ministry of Foreign Affairs and Cooperation of the Republic of Burundi has just sent to the Ministry of Foreign Affairs and International Cooperation of the United Republic of Tanzania concerning serious threats to security on the common border (see annex).

I take this opportunity to reiterate the commitment of the Government of the Republic of Burundi to address the refugee issue in the context of the relevant international and regional agreements. Our earnest hope is that the commitments by the parties to these agreements, especially the tripartite agreement between Burundi, the Office of the United Nations High Commissioner for Refugees and Tanzania, will be respected, and that the mechanisms provided will be used, without prevarication, in order to safeguard the region's peace and stability.

I should be grateful if you would have this letter and its annex circulated as a Security Council document.

(Signed) Gamaliel NDARUZANIYE
Ambassador
Permanent Representative

99-21665 (E) 230799 230799

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Annex

Note verbale dated 22 July 1999 from the Ministry of Foreign Affairs and Cooperation of Burundi addressed to the Ministry of Foreign Affairs and International Cooperation of the United Republic of Tanzania

The Ministry of Foreign Affairs and Cooperation of the Republic of Burundi presents its compliments to the Ministry of Foreign Affairs and International Cooperation of the United Republic of Tanzania and has the honour to draw attention once more to the serious threats to security on the common border, following the intensification of attacks in Burundi and preparations by Burundian rebels for infiltration from Tanzanian territory.

1. Since May, we have been observing renewed infiltration by rebels. After attacking the centre of Gihofi and certain localities in the communes of Kayogoro, Kibago, Nyanza-Lac and Makamba, they are withdrawing towards Kirerema, Munanira and Kagunga in the Kigoma district of Tanzania.

2. Today reliable reports refer to the presence of several hundred members of an attacking force in Kirerema and Migongo in Tanzania, poised to attack Burundi.

3. The same sources also report the arrival en masse in Tanzania of combatants of the Front pour la défense de la démocratie (FDD), accompanied by Interahamwe troops and former members of the Rwandese armed forces. They are coming from the Democratic Republic of the Congo and are preparing to launch heavy attacks on strategic targets in Makamba and Rutana provinces in Burundi.

4. There are also reports of acts of provocation likely to increase tension on the border, such as the theft of cattle by bands coming from Tanzania (with the full knowledge of the local authorities in that country), shots being fired in the direction of Tanzania by retreating assailants (so as to provoke incidents between troops stationed on either side of the border), distribution of pamphlets prepared in Tanzania, and so on.

5. In the provinces of Cankuzo, Ruyigi and Muyinga, scattered incidents are reported. They are the result of infiltrations by rebels coming round from Mt. Kabuyenge and withdrawing towards Muhange in Tanzania. The communes of Muyinga, Mwakiro, Buhinyuza, Gisuru, Cendajuru and Gisenyi are experiencing large number of infiltrations by attacking forces coming from refugee camps in the districts of Ngara and Kibondo in Tanzania.

On the basis of all these reports, the Ministry of Foreign Affairs and Cooperation of the Republic of Burundi requests the Government of the United Republic of Tanzania to take every practical measure necessary to stop this upsurge in infiltrations by Burundian rebels and to prevent the arrival in Tanzania of a new influx of FDD combatants, reinforced by Interahamwe troops and former members of the Rwandese armed forces, who are dreading the approaching ceasefire in the Democratic Republic of the Congo and who would like to disrupt

security in Burundi at a time when the Arusha negotiations are reaching a crucial phase.

The Ministry of Foreign Affairs and Cooperation of the Republic of Burundi calls for the urgent holding, in Kigoma, of the security meeting that was initially scheduled for the end of June 1999 by the Ministers of Defence of the two countries at their meeting in Dar es Salaam on 1 June 1999.

The Ministry of Foreign Affairs and Cooperation of the Republic of Burundi takes this opportunity to convey to the Ministry of Foreign Affairs and International Cooperation of the United Republic of Tanzania the renewed assurances of its highest consideration.

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# LETTER DATED 24 JULY 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Yesterday, on 23 July 1999, innocent Serbian farmers, including women and children, were massacred while working in their fields in the Kosovo and Metohija village of Staro Gradsko.

This crime is the last and the most ruthless so far in the series of atrocities that the armed gangs of the so-called Kosovo Liberation Army (KLA) have committed systematically against the Serbian, Montenegrin and other non-Albanian populations ever since the arrival of the international security (KFOR) and civil (United Nations Interim Administration Mission in Kosovo (UNMIK)) presences in Kosovo and Metohija. The Yugoslav Government has warned on several occasions of the tragic consequences of the tolerant attitude of KFOR towards the so-called KLA and other Albanian gangs, killing, kidnapping and burning the houses of the Serbian and other non-Albanian populations in Kosovo and Metohija and usurping private and public property unperturbed. Unfortunately, the Security Council has paid no heed.

The primary responsibility for the situation in Kosovo and Metohija rests in the Security Council, which is duty-bound to take all necessary measures to prevail upon the international presences in Kosovo and Metohija to act in accordance with their obligations and put an end to the ethnic cleansing of the non-Albanian population, carried out at an ever-faster and more tragic pace.

Defusing the dramatic situation in Kosovo and Metohija and preventing atrocities against the Serbian and other non-Albanian populations is of vital importance for the implementation of the provisions of Security Council resolution 1244 (1999) of 10 June 1999 and the military-technical agreement (S/1999/682, annex) relative to the instantaneous and full disarmament of the so-called KLA and other Albanian gangs, as well as Albanian civilians who, unlike the Serbian ones, continue to possess large quantities of arms. It is necessary to urgently deploy the forces of the army and police of Yugoslavia and customs personnel on the borders of the Federal Republic of Yugoslavia towards Macedonia and Albania, as well as within Kosovo and Metohija, in accordance with the military-technical agreement. It is also necessary to ensure full respect for the laws of the Republic of Serbia and the Federal Republic of Yugoslavia in Kosovo and Metohija and to guarantee security to all its inhabitants.

I have been instructed by my Government to request you to urgently convene a meeting of the Security Council to adopt necessary measures to ensure the full protection of the Serbian, Montenegrin, Roma and other non-Albanian populations of Kosovo and Metohija and the full implementation of Security Council resolution 1244 (1999) and the military-technical agreement. I trust and believe that this time the Security Council will not only condemn these hideous crimes, but will also take energetic and concrete steps to prevail upon KFOR and UNMIK to fulfil all its obligations.

Enclosed herewith is the statement of the Yugoslav leadership regarding the massacre in Staro Gradsko (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

Annex

Statement by the Yugoslav leadership regarding the massacre of 14 Serbian farmers - men, women and children - in the village of Staro Gradsko in Kosovo and Metohija, Federal Republic of Yugoslavia, on 23 July 1999

At a meeting of President Slobodan Milosevic and the highest State officials, it was determined that the massacre of Serbian farmers, women and children in the village of Staro Gradsko was a direct result of impermissible non-compliance of the United Nations civilian mission and KFOR with Security Council resolution 1244 (1999) of 10 June 1999 and the military-technical agreement (S/1999/682, annex). KFOR and the United Nations mission bear the full and undivided responsibility for this hideous crime. Any verbal condemnations of these crimes are not acceptable to the citizens of the Federal Republic of Yugoslavia. It is necessary to effect the immediate arrest of criminal groups and to fully fulfil the obligations of the security forces under United Nations auspices, which are to ensure the security of Serbs and other non-Albanian residents and to fully implement Security Council resolutions and the military-technical agreement. Delay in the disarmament of terrorist gangs by the security forces under United Nations auspices and failure to ensure full protection of all citizens of Kosovo and Metohija, even after six weeks since the United Nations took over the responsibility to ensure security of the citizens of Kosovo and Metohija, represents a crime against the civilian population. The intentionally tolerant approach of KFOR towards gangs of murderers and the fact that they are allowed to infiltrate across the border without hindrance is equal to cooperation with criminal gangs that are terrorizing the civilian population.

Failure to disarm Albanian terrorists and alleged agreements between KFOR and the terrorist "KLA" on disarmament represent a mere manipulation of the public, because KFOR, as well as all those living in this country, are aware that the so-called "KLA" is nothing but a group of bandits and criminals, drug dealers and murderers, who represent a cancer for the entire Balkans and Europe.

The Federal Republic of Yugoslavia demands that the United Nations Security Council immediately undertake vigorous measures to ensure implementation of Security Council resolution 1244 (1999), order the immediate disarmament of all criminal groups, ensure the fulfilment of the obligation to guarantee safety to all citizens of Kosovo and Metohija and enable the urgent return to Kosovo and Metohija of the envisaged contingents of the police and army of Yugoslavia in accordance with the military-technical agreement.

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